

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Shaquiana Eddings v Franklin Long**

Docket No. **288158**

L.C. No. **00-063554-DP**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is GRANTED for this case only.

The claim of appeal and the motion to “expedite emergency custody/claim of appeal”  
[sic] is DISMISSED for lack of jurisdiction.

There are two conditions precedent that must be met before this Court has jurisdiction over an appeal. MCR 7.203(A)(1). First, the appellant must be aggrieved by the order appealed. *Id.* A party is aggrieved by an order when it invades a legal right. *Department Of Consumer And Industry Service v Shah*, 236 Mich App 381, 385; 600 NW2d 406 (1999). Second, the order appealed must be final. MCR 7.203(A)(1). In a domestic relations case, a postjudgment order that affects the custody of a minor is considered a final order. MCR 7.202(6)(a)(iii).

The September 17, 2008 order satisfied neither condition because it did not change appellant’s parental rights that were awarded in the February 16, 2006 order allowing appellee to change domicile to Virginia and setting the parties’ parenting time. If appellant had wished to do so, he could have appealed the February 2006 order as a matter of right because the change in domicile affected his custodial rights. *Thurston v Escamilla*, 469 Mich 1009; 677 NW2d 28 (2004).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 26 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk